

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROSE RHOMBERG,

Plaintiff,

v.

FLIR SYSTEMS, INC.,

Defendant.

CIVIL ACTION NO. 17-401

RECEIVED

MAR 31 2017

CLERK, U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

PETITION TO CONFIRM ARBITRATION AWARD UNDER SEAL

COMES NOW, the Plaintiff, ROSE RHOMBERG, by and through her attorneys, LAW OFFICES OF JOEL SANSONE, JOEL S. SANSONE, ESQUIRE, MASSIMO A. TERZIGNI, ESQUIRE, and ELIZABETH A. TUTTLE, ESQUIRE, and, pursuant to the Federal Arbitration Act, 9 U.S.C.S. § 9¹, hereby files this Petition to Confirm Arbitration Award Under Seal as follows:

¹ The Federal Arbitration Act states, in pertinent part:

If the parties in their agreement have agreed that a judgment of the court shall be entered upon the award made pursuant to the arbitration, and shall specify the court, then at any time within one year after the award is made any party to the arbitration may apply to the court so specified for an order confirming the award, and thereupon the court must grant such an order unless the award is vacated, modified, or corrected as prescribed in sections 10 and 11 of this title [9 U.S.C.S. §§ 10, 11]. If no court is specified in the agreement of the parties, then such application may be made to the United States court in and for the district within which such was made. Notice of the application shall be served upon the adverse party, and thereupon the court shall have jurisdiction of such party as though he had appeared generally in the proceeding. If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse party or his his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident, then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court.

1. This action was tried before Arbitrator David B. White, Esquire (“White”), in the Western District of Pennsylvania, on January 25, 2017, January 26, 2017, and February 3, 2017, pursuant to Defendant FLIR Systems, Inc.’s (“FLIR”) Dispute Resolution Policy (“Policy”).²
2. Pursuant to Defendant FLIR’s Policy, all aspects of the arbitration process are confidential.³
3. Arbitrator White awarded the Plaintiff a verdict in the amount of \$270,000.00 on March 9, 2017.⁴
4. On March 14, 2017, Plaintiff’s counsel submitted a Motion for Counsel Fees, Costs and Pre-Judgment and Post-Judgment Interest, pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C.S. § 2000e, *et. seq.*, and Defendant FLIR’s Policy.

9 U.S.C.S. § 9.

² Defendant FLIR’s Dispute Resolution Policy is attached hereto as Exhibit “A.” The Policy states that “[t]he Arbitrator’s decision is the exclusive remedy for Covered Claims and is final and binding on the Company and Employee.” Policy, p. 2.

³ Defendant FLIR’s Policy states, in pertinent part:

Confidentiality

All aspects of any proceeding pursuant to the DRP, including the hearing and recording of the arbitration, shall be confidential, shall be privileged to the extent provided by applicable law, shall not be open to the public, and neither party shall agree to publish the arbitrator’s award or arrange for publication of the award, except (i) to the extent both Parties agree otherwise, in writing; (ii) as may be appropriate in any subsequent proceeding between the Parties, (iii) as may otherwise be required in response to a governmental agency or legal process; or (iv) the final decision of the arbitrator for good cause shown directs that it may be disclosed. All settlement negotiations, mediations, and the results thereof shall be confidential.

Policy, p. 5.

⁴ Arbitrator White’s award, dated March 9, 2017, is attached hereto as Exhibit “B.”

5. Defendant FLIR submitted a Response to Plaintiff's Motion for Attorney's Fees, Costs and Pre- and Post-Judgment Interest on March 20, 2017. In its motion, Defendant FLIR argued that Plaintiff was not entitled to any attorney fees, costs or interest of any kind. Plaintiff submitted her Reply on that same date.

6. Arbitrator White was not persuaded by Defendant FLIR and, citing controlling and well-settled case law, denied Defendant's motion on March 21, 2017.

7. On March 28, 2017, Defendant FLIR submitted an Opposition on the Merits to Plaintiff's Motion for Attorney's Fees, Costs and Pre- and Post-Judgment Interest.

8. On March 30, 2017, Arbitrator White awarded Plaintiff's counsel \$228,036.00 in attorney's fees, \$5,032.73 in costs, and post-judgment interest in the amount of .711% from the date of the verdict, that is, March 9, 2017, until the date that said fees and costs are paid.⁵

9. The total sum awarded to the Plaintiff is \$503,068.73, not including post-judgment interest.

WHEREFORE, for all of the above reasons, Plaintiff respectfully requests that this Court enter an Order Under Seal confirming Arbitrator White's award to the Plaintiff and to convert said award into an enforceable judgment against Defendant FLIR Systems, Inc.

⁵ Arbitrator White's award, dated March 30, 2017, as well as an email clarifying that award, dated March 31, 2017, are attached hereto as Exhibit "C."

Respectfully submitted,

LAW OFFICES OF JOEL SANSONE

s/ Joel S. Sansone

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Dated: March 31, 2017

CERTIFICATE OF SERVICE

I do hereby certify that on the 31st day of March, 2017, a true and correct copy of the foregoing Plaintiff's Petition to Confirm Arbitration Award Under Seal and proposed Order was served by email transmission upon the following:

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